

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

K.A.,

Plaintiff,

v.

MINDGEEK S.A.R.L.; MG
FREESITES LTD; MINDGEEK USA
INCORPORATED; MG PREMIUM
LTD.; MG GLOBAL
ENTERTAINMENT INC.; 9219-1568
QUEBEC, INC. (d/b/a MindGeek);
BERND BERGMAIR; FERAS
ANTOON; DAVID TASSILLO;
COREY URMAN; VISA, INC.;
COLBECK CAPITAL DOES 1-5;
BERGMAIR DOES 1-5,

Defendants.

Case No. 2:24-cv-04786-WLH-ADS

**ORDER RE THE MINDGEEK
DEFENDANTS' OMNIBUS
MOTION TO DISMISS [75],
DEFENDANT VISA, INC.'S
OMNIBUS MOTION TO DISMISS
[59], DEFENDANT COLBECK'S
OMNIBUS MOTION TO DISMISS
[70] AND DEFENDANT
REDWOOD'S OMNIBUS MOTION
TO DISMISS [68], DEFENDANTS
TASSILLO AND ANTOON'S
OMNIBUS MOTION TO DISMISS
[62] AND DEFENDANT
BERGMAIR'S OMNIBUS MOTION
TO DISMISS [65]**

Defendants MindGeek S.à.r.l., MG Freesites Ltd, MG Premium Ltd, MindGeek USA Incorporated, MG Global Entertainment Inc., and 9219-1568 Quebec Inc., (the "MindGeek Defendants") (Dkt. No. 75), Defendant Visa Inc. (Dkt. No. 59), Defendants Colbeck and Redwood, (Dkt. No. 70; Dkt. No. 68), and Defendants Tassillo, Antoon, (Dkt. No. 62) and Bergmair (Dkt. No. 65) move to dismiss Plaintiff's Complaint for the same reasons they moved to dismiss the Complaint in

1 *Serena Fleites et al. v. MindGeek S.A.R.L. et al.* (*Serena Fleites et al. v. MindGeek*
2 *S.A.R.L. et al.*, No. 2:21-cv-04920-WLH-ADS (C.D. Cal. June 17, 2021)).

3 Additionally, pursuant to the Court's Order Granting Joint Stipulation to Request
4 Limited Coordination for Purposes of Responding to Complaints in Related Cases
5 (Dkt. No. 54), the aforementioned Defendants filed in this case Omnibus Motions to
6 Dismiss requesting an order dismissing with prejudice the Complaints filed by
7 Plaintiffs in the related fourteen actions before the Court. As to the separate motions
8 filed by the Defendants, the Court incorporates by reference here the *Fleites* Orders as
9 to each Defendant.

10 As to the MindGeek Defendants, the Court in *Fleites* granted in part and denied
11 in part the MindGeek Defendants' Motion to Dismiss the *Fleites* complaint on
12 September 26, 2025. ("Order Re MindGeek Inc.'s Motion to Dismiss," *Fleites*, No.
13 2:21-cv-04920-WLH-ADS, at 46, Dkt. No. 608). The Court incorporates by reference
14 here that Order. For the reasons stated in the incorporated Order, the Court now
15 **GRANTS** in part and **DENIES** in part the MindGeek Defendants' Omnibus Motion
16 to Dismiss Plaintiffs' Second Amended Complaint as follows: (Count I) Violation of
17 Trafficking Victims Protection Reauthorization Act ("TVPRA") based on a theory of
18 direct liability under 18 U.S.C. § 1591(a)(1) is dismissed with prejudice; (Count I)
19 Violation of the TVPRA based on beneficiary liability under 18 U.S.C. § 1591(a)(2),
20 1595 is not dismissed; (Count IV) Conspiracy to Violate the TVPRA pursuant to 18
21 U.S.C. §§ 1594(c), 1595 is dismissed without prejudice; (Count V) Receipt,
22 Distribution, or Transport of Materials Involving the Sexual Exploitation of Minors in
23 Violation of 18 U.S.C. §§ 2252, 2255 is not dismissed; (Count VI) Receipt,
24 Distribution, or Transport of CSAM in Violation of 18 U.S.C. §§ 2252A, 2255 is not
25 dismissed; (Count VII) Public Disclosure of Private Facts is not dismissed; (Count
26 VIII) Intrusion into Private Affairs is not dismissed; (Count IX) Placing Plaintiff in
27 False Light is not dismissed; (Count X) Common Law Misappropriation of Name and
28 Likeness is dismissed without prejudice; (Count XI) Misappropriation of Name and

1 Likeness in Violation of Cal. Civ. Code § 3344 is dismissed without prejudice; (Count
2 XII) Distribution of Private Sexually Explicit Materials in Violation of Cal. Civ. Code
3 § 1708.85 is dismissed without prejudice; (Count XIII) Negligence is not dismissed;
4 (Count XIV) Violation of the UCL under Cal. Bus. & Prof. Code § 17200 is not
5 dismissed; (Count XIV) Violation of the FAL under Cal. Bus. & Prof. Code § 17500
6 is dismissed with prejudice; (Count XV) Violation of California's Trafficking Victims
7 Protection Act under Cal. Civ. Code § 52.5 is dismissed without prejudice; and (Count
8 XVI) Violation of Civil Conspiracy is dismissed without prejudice. Defendant
9 MindGeek S.A.R.L. is dismissed with prejudice. Plaintiff shall file a Third Amended
10 Complaint that conforms with this Court's Orders no later than 21 days after the date
11 of this Order. The MindGeek Defendants, other than Defendant MindGeek S.A.R.L.,
12 shall file their responsive pleading(s) no later than December 30, 2025.

13 As to Defendant Visa Inc., the Court in *Fleites* granted Defendant Visa Inc.'s
14 Motion to Dismiss the *Fleites* complaint on September 26, 2025. ("Order Re Visa
15 Inc.'s Motion to Dismiss Plaintiff's Second Amended Complaint," *Fleites*, No. 2:21-
16 cv-04920-WLH-ADS, at 46, Dkt. No. 609). The Court granted as follows: (Count II)
17 violation of TVPRA based on a theory of beneficiary liability pursuant to 18 U.S.C.
18 §§ 1591, 1595 is dismissed with prejudice; (Count IV) conspiracy to violate the
19 TVPRA pursuant to 18 U.S.C. §§ 1594(c), 1595 is dismissed without prejudice;
20 (Count XII) violation of Distribution of Private Sexually Explicit Materials under Cal.
21 Civ. Code § 1708.85 is dismissed without prejudice; (Count XV) violation of the
22 California Trafficking Victims Protection Act, Cal. Civ. Code § 52.5 is dismissed
23 without prejudice; (Count XIV) violation of the UCL under the Cal. Bus. & Prof.
24 Code §§ 17200 and 17500 is dismissed without prejudice but with prejudice as to the
25 FAL allegations; and (Count XVI) violation of civil conspiracy is dismissed without
26 prejudice. The Court incorporates by reference here that Order. For the reasons stated
27 in the incorporated Order, the Court now **GRANTS** Defendant Visa Inc.'s Omnibus
28 Motion to Dismiss and **DISMISSES** without prejudice and with leave to amend

1 Plaintiff's Complaint as to Defendant Visa Inc. Plaintiff shall file a Third Amended
2 Complaint that conforms with this Court's Orders no later than 21 days after the date
3 of this Order. Defendant Visa shall file its responsive pleading no later than
4 December 30, 2025.

5 In relation to Defendants Colbeck and Redwood, the Court granted Defendants
6 Colbeck and Redwood's Motion to Dismiss the Fleites complaint on September 17,
7 2025. ("Amended Order re Colbeck and Redwood Defendants' Motion to Dismiss
8 Plaintiff's Second Amended Complaint," *Fleites*, No. 2:21-cv-04920-WLH-ADS, at
9 49, Dkt. No. 605). The Court incorporates here that Order by reference. For the
10 reasons stated in the incorporated Order, the Court now **GRANTS** Defendants
11 Colbeck and Redwood's Omnibus Motions to Dismiss and **DISMISSES** without
12 prejudice and with leave to amend Plaintiff's Complaint as to Defendants Colbeck and
13 Redwood. Plaintiff shall file a Third Amended Complaint that conforms with this
14 Court's Order no later than 21 days after the date of this Order. Defendants Colbeck
15 and Redwood shall file their responsive pleading no later than December 30, 2025.

16 The Court granted Defendants Antoon, Tassilo and Bergmair's Motion to
17 Dismiss the Fleites complaint on September 15, 2025. ("Order Re Bernd Bergmair's
18 Motion to Dismiss and Feras Antoon and David Tassilo's Motion to Dismiss
19 Plaintiff's Second Amended Complaint," *Fleites*, No. 2:21-cv-04920-WLH-ADS, at
20 27, Dkt. No. 604). The Court incorporates here that Order by reference. For the
21 reasons stated in the incorporated Order, the Court now **GRANTS** Defendants
22 Antoon, Tassilo and Bergmair's Omnibus Motions to Dismiss and

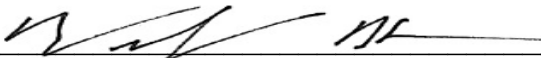
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1 **DISMISSES** with prejudice Plaintiff's Complaint as to Defendants Antoon, Tassilo
2 and Bergmair.

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4 **IT IS SO ORDERED.**

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6 Dated: November 6, 2025


HON. WESLEY L. HSU
UNITED STATES DISTRICT JUDGE